

AMENDED IN SENATE AUGUST 7, 2002
AMENDED IN SENATE AUGUST 21, 2001
AMENDED IN ASSEMBLY MAY 29, 2001
AMENDED IN ASSEMBLY MAY 7, 2001
AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 690

**Introduced by Assembly Members Wesson, Cardenas, Longville,
and Shelley**
**(Coauthors: Assembly Members Ashburn, Horton, Kehoe,
Leonard, Oropeza, and Vargas)** *Member Liu*
**(Coauthors: Assembly Members Cedillo, Chavez, Diaz, Firebaugh,
Strom-Martin, and Washington)**
(Coauthors: Senators Kuehl and Scott)

February 22, 2001

An act to ~~amend Section 82041.5 of, and to add Section 84310 to, the~~
~~Government Code, relating to elections, and declaring the urgency~~
~~thereof, to take effect immediately. repeal and add Section 8222.5 of the~~
Education Code, relating to child care and development.

LEGISLATIVE COUNSEL'S DIGEST

AB 690, as amended, ~~Wesson Liu. Political Reform Act of 1974:~~
~~campaign expenditures: telephone advocacy~~ *Child care and*
development: alternative payment program.

Existing law authorizes alternative payment programs to provide payment to child care facilities with at least 75% subsidized children if there is a lack of licensed child care facilities in the area, the facility is able to meet the special needs of a particular child, or any other reason provided for by regulations adopted by the State Department of Education.

This bill would revise these provisions and instead provide that, in a licensed child care facility at which 75% or more of the enrollees are receiving subsidized services, additional children may only be enrolled pursuant to a waiver granted by the State Department of Education, upon recommendation by an alternative payment program, under specified circumstances. The bill would require the State Department of Education to adopt regulations governing the approval, denial, and documentation of waiver requests by alternative payment programs.

~~Existing provisions of the Political Reform Act of 1974 define a “mass mailing” as over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter, or other inquiry.~~

~~This bill would revise this definition to include instead 200 substantially similar pieces of any item delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box, and would require the item delivered to the recipient to be a tangible item, including, but not limited to, a videotape, audio tape, computer diskette, compact disc, or a written document.~~

~~This bill would prohibit a candidate, committee, or slate mail organization from expending campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 1,000 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call, except as specified. The bill would provide that it shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.~~

~~This bill would require a candidate, committee, or slate mail organization that pays for telephone calls to maintain a record of the script of the call, or a copy of a recorded message, for a specified period of time.~~



~~The bill also would prohibit campaign and ballot measure committees from contracting with any phone bank vendor that does not disclose the information required to be disclosed by this bill.~~

~~Existing law makes it a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties.~~

~~This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of the bill.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.~~

~~This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 82041.5 of the Government Code is~~
- 2 ~~SECTION 1. Section 8222.5 of the Education Code is~~
- 3 ~~repealed.~~
- 4 ~~8222.5. — (a) Alternative payment programs may provide~~
- 5 ~~payment to child care facilities with at least 75 percent subsidized~~
- 6 ~~children in any of the following circumstances:~~
- 7 ~~(1) There is a lack of licensed child care facilities in the area.~~
- 8 ~~(2) The facility is able to meet the special needs of a particular~~
- 9 ~~child.~~
- 10 ~~(3) Any other reason provided for by the department's~~
- 11 ~~regulations.~~
- 12 ~~(b) It is the intent of the Legislature that the Superintendent of~~
- 13 ~~Public Instruction adopt regulations to implement a process~~

~~whereby a child care facility may apply to the State Department of Education for funding pursuant to subdivision (a).~~

SEC. 2. Section 8222.5 is added to the Education Code, to read:

8222.5. (a) In a licensed child care facility in which 75 percent or more of the enrollees are receiving subsidized services, additional children may be enrolled only if a waiver is granted under subdivision (b).

(b) A waiver of the restriction set forth in subdivision (a) may be granted by the State Department of Education, upon recommendation by an alternative payment program, if any of the following circumstances exist:

(1) There is a lack of licensed child care facilities in the area, including facilities that are able to accommodate the child's linguistic or cultural background.

(2) The facility is able to meet the special needs of a particular child.

(3) Enrollment will enable a family to receive child care for siblings at the same location.

(4) The family has unique transportation, location, or scheduling needs that only this facility can meet.

(5) Enrollment in another facility would place significant barriers to the family's ability to achieve or sustain self-sufficiency.

(6) The family is transitioning from CalWORKS Stage 1 child care and requires uninterrupted child care services with the same child care provider.

(c) The State Department of Education shall adopt regulations governing the approval, denial, and documentation of requests for a waiver pursuant to subdivision (b) by alternative payment programs.

(d) All waiver requests, whether approved or denied, shall be maintained on file by the agency for a minimum of three years.

(e) This section applies to services funded through funding allocated by the State Department of Education pursuant to this article and Article 15.5 (commencing with Section 8350).

(f) Facilities for which a waiver is granted pursuant to subdivision (b) shall not be included in the regional market rate survey for purposes of determining market rates.

~~amended to read:~~

1 ~~82041.5. “Mass mailing” means over 200 substantially~~
2 ~~similar pieces of any item delivered, by any means, to the recipient~~
3 ~~at his or her residence, place of employment or business, or post~~
4 ~~office box. For purposes of this section, the item delivered to the~~
5 ~~recipient must be a tangible item, including, but not limited to, a~~
6 ~~videotape, audio tape, computer diskette, compact disc, or a~~
7 ~~written document, but does not include a form letter or other mail~~
8 ~~that is sent in response to an unsolicited request, letter, or other~~
9 ~~inquiry.~~

10 ~~SEC. 2. Section 84310 is added to the Government Code, to~~
11 ~~read:~~

12 ~~84310. (a) A candidate, committee, or slate mail~~
13 ~~organization may not expend campaign funds, directly or~~
14 ~~indirectly, to pay for telephone calls that are similar in nature and~~
15 ~~aggregate 1,000 or more in number, made by an individual, or~~
16 ~~individuals, or by electronic means and that advocate support of,~~
17 ~~or opposition to, a candidate, ballot measure, or both, unless~~
18 ~~during the course of each call the name of the organization that~~
19 ~~authorized or paid for the call is disclosed to the recipient of the~~
20 ~~call. Unless the organization that authorized the call and in whose~~
21 ~~name it is placed has filing obligations under this title, and the~~
22 ~~name announced in the call either is the full name by which the~~
23 ~~organization or individual is identified in any statement or report~~
24 ~~required to be filed under this title or is the name by which the~~
25 ~~organization or individual is commonly known, the candidate,~~
26 ~~committee, or slate mailer organization that paid for the call shall~~
27 ~~be disclosed. This section shall not apply to telephone calls made~~
28 ~~by the candidate, the campaign manager, or individuals who are~~
29 ~~volunteers.~~

30 ~~(b) Campaign and ballot measure committees are prohibited~~
31 ~~from contracting with any phone bank vendor that does not~~
32 ~~disclose the information required to be disclosed by subdivision~~
33 ~~(a).~~

34 ~~(c) A candidate, committee, or slate mail organization that pays~~
35 ~~for telephone calls as described in subdivision (a) shall maintain~~
36 ~~a record of the script of the call for the period of time set forth in~~
37 ~~Section 84104. If any of the calls qualifying under subdivision (a)~~
38 ~~were recorded messages, a copy of the recording shall be~~
39 ~~maintained for that period.~~

1 ~~SEC. 3.—The Legislature finds and declares that the provisions~~
2 ~~of this act further the purposes of the Political Reform Act of 1974~~
3 ~~within the meaning of subdivision (a) of Section 81012 of the~~
4 ~~Government Code.~~

5 ~~SEC. 4.—No reimbursement is required by this act pursuant to~~
6 ~~Section 6 of Article XIII B of the California Constitution because~~
7 ~~the only costs that may be incurred by a local agency or school~~
8 ~~district will be incurred because this act creates a new crime or~~
9 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
10 ~~for a crime or infraction, within the meaning of Section 17556 of~~
11 ~~the Government Code, or changes the definition of a crime within~~
12 ~~the meaning of Section 6 of Article XIII B of the California~~
13 ~~Constitution.~~

14 ~~SEC. 5.—This act is an urgency statute necessary for the~~
15 ~~immediate preservation of the public peace, health, or safety~~
16 ~~within the meaning of Article IV of the Constitution and shall go~~
17 ~~into immediate effect. The facts constituting the necessity are:~~

18 ~~In order that the reforms proposed by this act may take effect~~
19 ~~without delay, it is necessary that this act go into effect~~
20 ~~immediately.~~

